

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDWARD LEE TURNER,

Plaintiff,

v.

MEGAN M. CHUNG; GREGORY S.  
GILCHRIST; TOWNSEND,  
TOWNSEND & CREW, L.L.P.,

Defendants.

No. C 11-1241 JSW (PR)

**ORDER OF DISMISSAL**

Plaintiff, a California prisoner, has filed this pro se civil rights complaint under 42 U.S.C. § 1983. The complaint in this action makes the same claims against the same defendants as the in forma pauperis complaint filed in Plaintiff's earlier case, *Turner v. Chung, et al.*, No. 11-0865 JSW (PR). The Court has dismissed Plaintiff's earlier case because the claims asserted therein are not cognizable. An in forma pauperis complaint, such as the complaint filed herein, that merely repeats pending or previously litigated claims may be considered abusive and dismissed under the authority of section 1915(e). *Cato v. United States*, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995). An in forma pauperis complaint repeating the same factual allegations asserted in an earlier case, as here, is

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1 therefore subject to dismissal as duplicative. *Bailey v. Johnson*, 846 F.2d 1019, 1021  
2 (5th Cir. 1988). Accordingly, this action is DISMISSED.

3 The Clerk shall close the file and enter judgment in Defendants' favor.

4 IT IS SO ORDERED.

5 DATED: March 29, 2011

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7 JEFFREY S. WHITE  
8 United States District Judge  
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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

EDWARD L TURNER,

Plaintiff,

v.

MEGAN M CHUNG et al,

Defendant.

Case Number: CV11-01241 JSW

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on March 29, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Edward L. Turner V-25872  
Pleasant Valley State Prison  
PO Box 8500  
Coalinga, CA 93210

Dated: March 29, 2011



Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk